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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR 05-0763 JW
	)	
12 Plaintiff,	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>HEARING AND EXCLUDE TIME;</b>
13 v.	)	<b>[PROPOSED] ORDER</b>
	)	
14 DARIO GONZALEZ-FAVELA,	)	
	)	
15 Defendant.	)	
16	)	

17 Defendant and the government, through their respective counsel, hereby stipulate that,  
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for  
19 Monday, January 8, 2007, be continued to Monday, February 12, 2007, at 1:30 p.m.

20 The continuance is requested because the defense is continuing to investigate this matter  
21 and to obtain additional information regarding Mr. Gonzalez-Favela's prior convictions. The  
22 investigator assigned to the case, Catherine Ward-Neece, has been successful in contacting some  
23 individuals at remote locations in Mexico, but continues in efforts to contact other individuals  
24 and to locate potentially relevant documents.

25 The parties further agree that time should be excluded under the Speedy Trial Act because  
26 the defense requires time for effective preparation and investigation, 18 U.S.C. § 3161 et seq, and

1 the ends of justice outweigh the defendant's and the public's need for a speedy trial.

2  
3 Dated: 1/3/07

/s/  
\_\_\_\_\_  
LARA S. VINNARD  
Assistant Federal Public Defender

4  
5 Dated: 1/4/07

/s/  
\_\_\_\_\_  
ERIC ROSEN  
Assistant United States Attorney

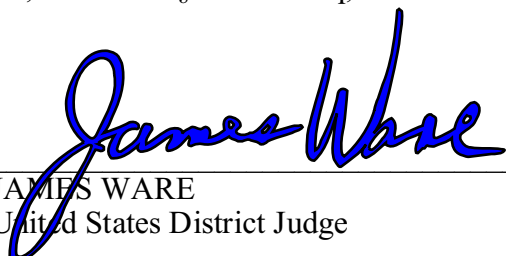
6  
7  
8 **ORDER**

9 The parties have jointly requested a continuance of the hearing set for January 8, 2007, to  
10 allow time for the defense to complete investigation.

11 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
12 presently set for January 8, 2007, be continued to February 12, 2007, at 1:30 p.m.

13 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time  
14 from January 8, 2006, to February 12, 2007, shall be excluded from the period of time within  
15 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq, because time is  
16 needed for defense investigation and preparation.

17 Dated: 1/5/2007

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge